

IN THE COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PHYLASSAPHINE JACKSON,)	
AIS # 171926,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO.
)	CV-05-991-D
)	
CYNTHIA WHEELER, et. al.,)	<u>DEFENDANTS REQUEST</u>
)	<u>TRIAL BY JURY</u>
)	
Defendants.)	

ANSWER

The ADOC Defendant denied any constitutional violation as alleged in the complaint and demands the strict proof thereof.

DEFENSES

The ADOC Defendants deny that they have violated the constitutional rights of the Plaintiff and demand the strict proof thereof.

The ADOC Defendants allege that the Plaintiff has failed to state a claim upon which relief can be granted.

The ADOC Defendants allege that the Plaintiff has failed to state a claim upon which a 42 U.S.C.81983 action can be maintained.

The ADOC Defendants allege that at least part of the Plaintiff's claim is based upon the theory of respondent superior and cannot be maintained under 42 U.S.C. 8 1983.

The ADOC Defendants plead the general defense.

The ADOC Defendants allege that they are entitled to qualified immunity against the claims of the Plaintiff.

The ADOC Defendants allege that they are entitled to absolute immunity against the claims of the Plaintiff.

The ADOC Defendants allege that the Plaintiff suffered no loss of a liberty interest in the complained of placement.

The ADOC Defendants allege that the Plaintiff's complaint is moot.

The ADOC Defendants reserve the right to amend their defenses, including the addition of affirmative defenses, upon the receipt of information through discovery and otherwise.

As there are no issues of material fact and for the reasons herein stated, the ADOC Defendants pursuant to F.R.C.P. 56(b), request that a motion for summary judgment be granted in their favor.

Respectfully submitted,

Kim T. Thomas
General Counsel
Assistant Attorney General

/s/Albert S. Butler
Albert S. Butler
Assistant General Counsel
Assistant Attorney General

ADDRESS OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing documents upon:

Inmate Phyllassaphine Jackson, AIS #171926
Tutwiler Prison for Women
8966 US Hwy 231
Wetumpka, Alabama 36092

by placing a copy of said documents in the U.S. Mail, postage prepaid on November 30, 2005.

/s/Albert S. Butler

Albert S. Butler
Assistant General Counsel
Assistant Attorney General